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23879 7590 02/23/2007 BRIAN M BERLINER, ESQ O'MELVENY & MYERS, LLP 400 SOUTH HOPE STREET LOS ANGELES, CA 90071-2899			EXAMINER TRAN, HAI V	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/506,261

Applicant(s)

PALATOV ET AL.

Examiner

Hai Tran

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) 1-29,31,35,51 and 57-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 30,32-34,36-50 and 52-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/30/2006 have been fully considered, in view of Applicants' remark and amended claims, but they are not persuasive.

Applicant argues, "The Examiner proposes to make up for these deficiencies by combining Allen with numerous other prior art references. As a fundamental matter, there is no teaching or suggestion for the proposed combination of references."

In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this instant the Examiner will address in turn.

Applicant further argues, "The deficiencies the Examiner identified are significant and not easily cured by the proposed combination of references. The movie distribution model proposed by Allen is unacceptable to movie content producers because it is not secure. It is too easy for the movie content to be pirated by unscrupulous operators either by getting access to the source data within the kiosk or by copying the VHS tapes that are produced. For these reasons, systems built in accordance with Allen have not achieved any commercial acceptance in the market place."

In response to the above Applicant's declaration, the Examiner respectfully disagrees with Applicant because the above declaration lacks technical validity without explanations supporting such findings are insufficient.

Applicant argues, "As stated above, a *prima facie* rejection for obviousness requires that there be a motivation or suggestion to combine the references. Thus, the burden is on the Examiner to show that a motivation exists –not on the Applicant to show that a motivation does not exist. For each combination that is made, the Examiner must state a suggestion or motivation to combine."

In response, the Examiner respectfully disagrees with Applicant because (see previous Office Action), the Examiner has pointed out what each prior art references teaches and has indicated how and why these references would have been combined to arrive at the claimed invention. Applicant makes several arguments in opposition to the Examiner's rejection, which the Examiner will address in turn.

Applicant further argues, "Allen fails to disclose a portable storage device that is manually inserted into the receptacle of the kiosk and that permits repeated reuse."

In response, the Examiner respectfully disagrees with Applicants because the Examiner does not see how a user could return the portable storage device to the Kiosk without manually inserted it into the receptacle of the kiosk so that the Kiosk able to check if indeed the portable storage device did return correctly. Allen further discloses that the returned portable storage device is refurbished (repeated reuse; see Col. 24, lines 1-15).

Applicant further argues, "The system provides complete security over the source media content insofar as there is no way to retrieve the source media content either from the kiosk or from the portable storage device. Moreover, the use of non-industry standard connectors prevents another device from connecting either to the kiosk or the portable storage device."

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this instant, the above argument, i.e., complete security over the source media content, has been addressed with Tatebayashi' s teaching in which the prevention of infringement of stored video content from being distributed to unauthorized devices (see Col. 1, lines 45-65) and "the use of non-industry standard

connectors prevents another device from connecting" has been addressed by Darden (Col. 10, lines 33-45) in which the external connectors (Fig. 2, el. 88) are incompatible with industry standard computer systems.

Applicant further argues, "Moreover, Tatebayashi et al. does not suggest any use of a portable storage device for receiving the data content."

In response, the Examiner respectfully disagrees with Applicant, because Tatebayashi clearly discloses various portable storage devices, see Fig. 2, el. 104, 105, 106, 102, 103 and Fig. 5, el. 104 for receiving video content from another device when the portable storage device connects to it. In doing so, the portable storage device is an authorized device so to receive video content from the connected device. As such, one of ordinary skill in the art would be motivated to modify Allen to have video content to be protected for the benefit of preventing from being distributed to unauthorized devices, as suggested by Tatebayashi (see Col. 1, lines 45-65).

Applicant further argues, "the motivation for the Examiner's proposed combination of prior art references originated with the patent application."

In response, the Examiner respectfully disagrees with Applicant and asserts that the Examiner's proposed combination of prior art references is originated from Tatebayashi (see Col. 1, lines 45-65). The Examiner cites, "In order to prevent such infringement, video reproduction devices which reproduce video productions must prevent the video productions from being distributed to unauthorized devices, such as

Art Unit: 2623

information recording devices or digital information copying devices. For this purpose, when a video reproduction device is linked to such a device via a communication link, it is necessary for the video reproduction device to verify the authenticity of the device."

As such the combination of Alleen and Tatebayashi is just.

Applicant further argues, "The addition of Abecassis expands the number of devices that can access the video content, which goes against the teaching of the Allen/Tatebayashi et al. combination."

In response to applicant's argument that "The addition of Abecassis expands the number of devices that can access the video content, which goes against the teaching of the Allen/Tatebayashi et al. combination", the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

As such the combination of Allen in view of Tatebayashi and Abecassis is just.

Applicant further argues, "First, Russo discloses storing the content use data in the set-top box itself, not in a removable storage, so the proposed combination does not disclose the element of the present invention "to accumulate content use data and to store the accumulated content use data directly onto the storage device."

In response, the Examiner respectfully disagrees with Applicant because Applicant clearly misconstrues the Examiner's intention. The Examiner did not allege

Art Unit: 2623

that Russo discloses storing the content use data in a removable storage, as alleged by Applicant (see previous Office Action, page 10), but rather on a storage medium 110.

Applicant further argues, "Second, neither Russo nor Allen (or any of the references) discloses a kiosk reading content use data off of a portable storage device...The Allen/Tatebayashi et al./Abecassis combination fails to disclose a kiosk that is configured to read content use data. The Examiner cannot just assume that "it would have been obvious that Allen's kiosk would be able to read content use data...from the return of the content storage device's rental." Without evidence that the prior art discloses a kiosk that is able to read content use data off of a portable storage device, the proposed combination fails to disclose all of the elements of the present invention."

In response, Applicant again clearly misconstrues Allen reference because Allen's kiosk is able to read content use data off of the portable storage (...tracking information; see Col. 8, lines 41-53).

Applicant further argues, "The stated motivation given by the Examiner to add Russo comes not from the prior art but from the present invention itself. The Allen/Tatebayashi et al./Abecassis combination does not suggest using content use data for billing reasons."

In response, the Examiner respectfully disagrees with applicant because the stated motivation given by the Examiner is clearly coming from Russo (...Thus, the system according to this invention may keep track of such time periods, and if the viewer chooses to keep a particular program in the storage library beyond this time

Art Unit: 2623

period, further viewing may be treated as an additional "rental" of that program having the same or perhaps, reduced charges associated with the viewing thereof. see Col. 5, lines 34-47).

As such the combination of Allen in view of Tatebayashi and Abecassis and Russo is just.

Applicant further argues, "Allen discloses receiving signals in MPEG-2 form and decoding them to analog form using a digital-to-analog decoder for transferring of the video. See col. 18, lines 29-43 of Allen. Allen does not disclose having the content remain in MPEG-2 form. Thus, the loading of video content in MPEG-2 form would teach away from Allen."

In response, the Examiner respectfully disagrees with applicant because the fact Allen does not disclose having the content remain in MPEG-2 format for storing on the portable storage media does not mean that Allen excludes One of ordinary skill in the art to combine the teaching of Okuyama having a portable storage device capable of storing MPEG-2 video content thereby increasing the amount of media content that could be stored on the portable storage media and reducing the time of copying the media content onto the portable storage device by not performing a format conversion, i.e., converts digital (MPEG-2) to analog.

As such the combination of Allen in view of Tatebayashi, Abecassis, Russo and Okuyama is just.

Applicant further argues, "In fact, the reference goes to great lengths to mention that the cartridges are adapted to fit industry standard computers, including most IBM PC or PC compatible computers. See col. 6, lines 59-67 of Darden et al."

In response, the Examiner respectfully disagrees with Applicant because Applicant again misconstrues Darden's reference. The Examiner confuses because one of ordinary skill in the art would recognize that "64 pin connectors 88 and 130" of Fig. 2 is clearly different from the industry standard 32 pin card connector and a 20 pin card connector located on the upper surface of the SCSI hard drive. As such, a prima facie rejection has been established.

In conclusion, the Examiner maintains the rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 30, 32-34, and 36-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (US 5909638) in view of Tatebayashi (US 6182215), and further in view of Abecassis (US 5610653), and further in view of Cantone (US

5734781), and further in view of Russo (US 5619247) and further in view of Okuyama et al. (US 5987126) and further in view of Darden et al (US 4941841).

Regarding claim 30, Allen discloses a system for distributing video content (Fig. 1, Abstract), the system comprising:

An interactive kiosk configured to be located in a public location (fig. 16) (Col. 22, lines 15-40), the kiosk further configured to receive and access/read/write the data/video into a variety of content storage *device* (VHS videotape, recordable laser disk or DVD, etc... see Col. 1, lines 25-32 and Col 5, lines 50-55). Moreover, Allen further suggests that the Kiosk comprises a 1st receptacle configured to receive the storage device (Col. 24, lines 1-5) and an input device for receiving input from user (Col. 21, lines 10-25) in which the kiosk is configured to store video content on the storage device in response to the user input. Allen further discloses the Kiosk able to read "tracking information" from the return of the content storage device's rental (Col. 8, lines 41-53). Allen further discloses a durable housing configured to contain and protect the memory/medium (Col. 18, lines 21-28).

Allen does not clearly disclose the housing of the portable storage device comprising an external 1st physical connector in which the kiosk is configured to have a 2nd physical connector adapted to mate with the 1st connector of the portable storage device.

Allen further does not clearly disclose the kiosk further configures to securely store video content on the portable video content storage device upon which digitally encoded video content is securely stored to prevent unauthorized access;

Allen further does not clearly disclose the storage device comprising a memory capable of storing at least MPEG-2 quality video content, a security module that connects with and limits access to the memory; a device controller that connects with and controls the memory, wherein the memory is compatible with the device controller but the memory is incompatible with industry standard device controllers.

Allen does not clearly disclose the kiosk further configured to read the accumulated content use data from the storage device;

Allen further does not clearly disclose a set-top box (STB) comprising a 2nd receptacle configured to receive the portable video content storage device via a 3rd physical connector adapted to mate with the 1st connector, to access/write the securely stored video content from the portable video content storage device and to provide the video content as an output signal to a video display; and at last,

Allen does not clearly disclose the STB further configured to accumulate content use data and to store the accumulated content use data directly onto the storage device, and the 1st, 2nd and 3rd connectors are incompatible with industry standard computer systems.

Tatebayashi describes a method to securely store video content on the portable video content storage device upon which digitally encoded video content is securely stored (using encryption method to store information/data on the portable device) for preventing unauthorized access by using authentication protocol (Col. 5, lines 65-Col. 6, lines 11). Tatebayashi further discloses a set-top box comprising a 2nd receptacle (Fig., 2; elements 101 and Fig. 5, element 101 as a broadcast satellite

Art Unit: 2623

receiver; see col. 10, lines 15-47) configures to receive the portable video content storage device to access the securely stored video content from the portable video content storage device and to provide the video content as an output signal to a video display (Once, the authentication protocol is verified, the access is authorized to perform any functions required to display necessary on any display device; i.e., TV, computer monitor). The process of authentication is done by a security module that connects with and limits access to the memory (Col. 16, lines 21-63); It is noted that "A portable video content storage devices" is defined as any portable apparatus that store data/video information and it could be carried by users; i.e., portable VCR/DVD/CD device, VHS tape, CD/DVD disk or cartridge medium, PCs, Laptop, PCMCIA card with integrated storage, etc... Fig., 2; elements 104, 105, 106, 102, 103 and Fig. 4, element 104). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Allen's system to securely configure the kiosk to securely store video content on the portable video content storage and to prevent unauthorized access to stored video content on the portable video content storage device, as taught by Tatebayashi, so to prevent the video productions/recording from being distributed to unauthorized devices (Col. 1, lines 47-50).

Allen in view of Tatebayashi discloses a set-top box (Tatebayashi; Fig., 2; elements 101 and Fig. 5, element 101 as a broadcast satellite receiver; see col. 10, lines 15-47) configures to receive the portable video content storage device, i.e., DVD-RAM, connects to the set-top box.

Allen in view of Tatebayashi does not clearly disclose the Kiosk and the set-top box is configured to have the portable video content storage device comprising a memory capable of storing at least MPEG-2 quality video content, a device controller that connects with and controls the memory, wherein the memory is compatible with the device controller but the memory is incompatible with industry standard device controllers, the portable video content storage device as removable storage device, i.e. removable hard disk, CompactFlash, Smartmedia... and Allen in view of Tatebayashi further does not disclose that the kiosk configures to read the accumulated content use data from the storage device, the STB further configures to accumulate content use data and to store the accumulated content use data directly onto the storage device.

Abecassis' 653 discloses a removable drive/compact portable storage could be implemented in a set-top box or any system (see Fig. 5, el. 504 and 505; Col. 18, lines 60-65 and Col. 19, lines 24-50) and the set-top box are configured to decode MPEG-2 quality video content (Col. 20, lines 46-55). Therefore, it would have been obvious to an ordinary skill in the art at the time the invention was made to modify Allen and Tatebayashi with Abecassis' 653 so to provide to user to use a wide variety of removable device that are available on the market in which the user could plug and play the removable device to any system, i.e., set-top box, Kiosk ...that user would like to write/read data between the removable device and the system connected.

Allen in view of Tatebayashi and Abecassis' 653 do not clearly disclose the Kiosk and the set-top box are configured to have the portable video content storage device comprising a memory capable of storing at least MPEG-2 quality video content, the kiosk configures to read the accumulated content use data from the storage device, and the STB further configures to accumulate content use data and to store the accumulated content use data directly onto the storage device and specifically, Abecassis '653 does not clearly discloses the portable video content storage device with removable drive housing containing a controller that connects with and controls the memory, wherein the memory is compatible with the device controller but the memory is incompatible with industry standard device controllers.

Cantone discloses a removable drive housing containing a controller (Fig. 1, el. 22) that connects with and controls the memory 12, wherein the memory is compatible with the device controller but the memory is incompatible with industry standard device controllers (Note: the Cantone 's controller comprises its own proprietary device driver to control the memory in which the memory itself is not control by the controller of the receiver terminal device; Col. 3, lines 43-48; Col. 4, lines 44-53, lines 67-Col. 5, lines 3). Therefore, it would have been obvious to an ordinary skill in the art at the time the invention was made to modify Allen, Tatebayashi, Abecassis' 653 with Cantone to have a controller built-in the removable drive housing with its own (proprietary) device driver so to control all the functions pertaining to that device, i.e. videocassette device.

Allen in view of Tatebayashi, Abecassis' 653 and Cantone does not disclose the Kiosk and the set-top box are configured to have the portable video content storage device comprising a memory capable of storing at least MPEG-2 quality video content, the kiosk configures to read the accumulated content use data from the storage device, and the STB further configures to accumulate content use data and to store the accumulated content use data directly onto the storage device

Russo discloses a set-top box control access to a secured data content of a storage medium 110 and is configured to accumulate present content use data and to write the accumulate present content use data to the storage medium 110 (Col. 10, lines 10-65+). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Allen, Tatebayashi and Abecassis' 653 with Russo to accumulate and write content use data, as suggested by Russo, to the removable-portable storage device so to keep track the usage of users for billing purposes (Col. 3, lines 15-30). Furthermore, in view of all the teaching of Allen in view of Tatebayashi, Abecassis' 653 and Cantone with Russo, it would have been obvious that Allen 's kiosk would be able to read content use data (tracking information) from the return of the content storage device's rental so the billing process at the kiosk able to give back credit or reduce charge to user for the percentage of the video content that has not been viewed by the user as suggested by Russo (Col. 5, lines 35-65).

Allen in view of Tatebayashi, Abecassis' 653, Cantone (Col. 4, lines 1-12) and Russo discloses the portable video content storage device comprising a memory capable of storing at least MPEG.

Allen in view of Tatebayashi, Abecassis' 653, Cantone and Russo does not clearly disclose the Kiosk and the set-top box is configured to have the portable video content storage device comprising a memory capable of storing at least MPEG-2 quality video content.

Okuyama discloses a system able to copy/store/write MPEG-2 format content data onto the storage media (Col. 14, lines 16-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Allen in view of Tatebayashi, Abecassis' 653, Cantone and Russo with Okuyama to have a media storage able to store MPEG-2 format, as suggested by Okuyama, so to increase the capacity of the storage media by taking the advantage of the well known MPEG standard. Moreover, reduce the time of copying the media content onto the media storage by not performing a format conversion, i.e., digital (MPEG-2) to analog.

Allen in view of Tatebayashi, Abecassis' 653, Cantone, Russo and Okuyama does not clearly disclose the housing of the portable storage device comprising an external 1st physical connector in which the kiosk is configured to have a 2nd physical connector adapted to mate with the 1st connector of the portable storage device; Allen in view of Tatebayashi, Abecassis' 653, Russo and Okuyama further does not clearly disclose the set-top box (STB) configured to receive the portable video

Art Unit: 2623

content storage device via a 3rd physical connector adapted to mate with the 1st connector, and the 1st, 2nd and 3rd connectors are incompatible with industry standard computer systems.

Darden discloses an adapter with an external connector (Fig. 2, el. 130) adapted to mate with the external connector (Fig. 2, el. 88) of the removable slide-in storage device (cartridge) wherein the external connectors are incompatible with industry standard computer systems (Col. 10, lines 33-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Allen in view of Tatebayashi, Abecassis' 653, Russo and Okuyama to modify Allen's kiosk and Abecassis' 653 set-top terminal with Darden 's adapter and cartridge so to provide a versatile removable storage media which the removable storage device could be temporarily connected and remove it from the connected device for security and portability purposes, i.e., the removable storage device could be remove and place in a safe place, as suggested by Darden (Col. 2, lines 14-18 and lines 32-40) .

Regarding claim 32, Tatebayashi further discloses wherein the storage device consists essentially of passive storage media unit (Col. 8, lines 5-15).

Regarding claim 33, both Tatebayashi (Col. 5, lines 65-Col. 6, lines 11) and Russo (Fig. 2, el. 114; Col. 7, lines 55-61 and Col. 10, lines 10-23) disclose encoded

video content stored on the storage device is encrypted to prevent unauthorized access.

Regarding claims 34 and 36, the method of claims 34 and 36 is analyzed with respect to apparatus claim 30.

Regarding claim 37, the hand-held dedicated secure video content storage device is analyzed with respect to claim 30. The physical connector mounted in the housing of Tatebayashi's devices (Fig. 1, 2; elements 104, 105, 106, 102, 103) is obvious to be removable configured to connect/disconnect to the Kiosk.

Furthermore, removable drive suggested by Abecassis' 653 must also have physical connector mounted in the housing of the removable drive.

As discussed in claim 30, the combination of Allen, Tatebayashi, and Abecassis' 653's removable drive housing with the suggestion of Cantone having a controller within the removable drive housing so to control all the functions pertaining to that device. In view of that, Russo further teaches a controller configured to prevent unauthorized access to the mass storage module, the controller further configured to permit video content to be written to the mass storage module. Thus, Allen in view of Tatebayashi, Abecassis' 653 and Cantone with Russo meets "a controller configured to prevent unauthorized access to the mass storage module, the controller further configured to permit video content to be written to the mass storage module by a compatibility configured interactive kiosk, wherein the mass

storage module is compatible with the controller but the mass storage module is incompatible with industry standard controller;”

Russo further discloses “wherein the physical connector is configured to be uniquely compatible with the kiosk but incompatible with industry standard electronic system and devices for accessing video content” reads on Kiosk’ s Allen removable storage receptacle slot is modified with Darden’s adapter with an external connector (Fig. 2, el. 130) adapted to mate with the external connector (Fig. 2, el. 88) of the removable slide-in storage device (cartridge) wherein the external connectors are incompatible with industry standard computer systems (Col. 10, lines 33-45).

Regarding claim 38, Tatebayashi’ s devices (Fig. 1, 2; elements 104, 105, 106, 102, 103) further discloses wherein the communication port comprises an electrical connector (fig., element 107). Furthermore, removable drive suggested by Abecassis’ 340 must also have “the communication port comprises an electrical connector” and Darden shows the communication port of the removable storage media and adapter comprises an electrical connector (Col. 11, lines 25-45).

Regarding claim 39, Tatebayashi fails to show the communication port comprise an optical connector.

Official Notice is taken that the use of an optical connector is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify Tatebayashi by including an optical connector so to provide a more choice of connectivity between devices.

Regarding claims 40, Tatebayashi further discloses an authentication scheme to communicate with only devices that have a reference authentication table pre-configured (Col. 5, lines 65-Col. 6, lines 60).

Regarding claim 41, see analysis of claim 30 in combination with claim 40.

Regarding claim 42, Tatebayashi's devices (Fig. 1, 2; elements 104, 105, 106, 102, 103) all have a disk drive.

Regarding claim 43, with the teaching of Tatebayashi's authentication protocols (Col. 8, lines 15-65+), Tatebayashi clearly encompass the claimed limitation "configured to separately limit read and write access to the disk drive".

Regarding claim 44, Abecassis' 653 (Col. 25, lines 26-50) further disclose wherein the controller comprises a data buffer configured to buffer data as the data is transferred to or from the disk drive. Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Allen, Tatebayashi, Abecassis' 653, Cantone, Russo, and Okuyama to have a data buffer configured to buffer data as the data is transferred to or from the disk drive, as taught by Abecassis' 653, so to retrieve subsequent from information from the video

Art Unit: 2623

disk without altering the transmission of the required frames per second to provide a transparently continuous video signal transmission, as suggested by Abecassis' 653 (Col. 23, lines 59-65).

Regarding claim 45, see analysis of claim 30.

Regarding claims 46 and 47, Abecassis' 653 further discloses the controller is configured to limit access to the mass storage module based at least upon a content rating of a content unit and a set of user preference relating to the format content units to be stored on the mass storage module (Col. 28, lines 40-Col. 29, lines 42).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Allen, Tatebayashi, Abecassis' 653, Cantone Russo and Okuyama with the teaching of Abecassis' 653 so to limit access to the mass storage module based at least upon a content rating of a content unit so to provide a video program that is highly responsive to viewer control over its content (see Col. 29, lines 47-52).

2. Claims 48-50, and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (US 5610653) in view of Russo (US 5619247) and further in view of Darden et al (US 4941841).

Regarding claim 48, Abecassis' 653 discloses a set-top box for accessing video content stored on a portable video content storage device, the set-top box comprising:

A receptacle configured to manually receive the portable video content storage device, wherein the portable video content storage device can be inserted and removed by a user (see Fig. 5, el. 504 and 505; Col. 18, lines 60-65 and Col. 19, lines 24-50);

A video decoder module configured to decode the video content to produce an output signal; and a processor configured to control the video decoder module (Col. 20, lines 42-Col. 21, lines 25)

Abecassis' 653 does not clearly disclose a processor configured to accumulate present content use data based at least upon an amount use of the video content and to store the accumulated content use data onto the portable video content storage device. Abecassis further does not clearly disclose that the set-top's receptacle comprises an external 1st physical connector incompatible with industry standard computer system and "wherein the set top box is configured to be uniquely connected to the portable video content storage device via a 2nd physical connector incompatible with industry standard devices for transferring video content, the connector being adapted to mate with the 1st connector."

Russo discloses a set-top box control access to a secured data content of a storage medium 110 and is configured to write content use data to the storage medium 110 (Col. 10, lines 10-65+). Therefore, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify Abecassis' 653 with Russo to accumulate and write content use data, as suggested by Russo, to the removable-portable storage device so to keep track the usage of users for billing purposes (Col. 3, lines 15-30).

Abecassis' 653 in view of Russo does not clearly disclose that the set-top 's receptacle comprises an external 1st physical connector incompatible with industry standard computer system and "wherein the set top box is configured to be uniquely connected to the portable video content storage device via a 2nd physical connector incompatible with industry standard devices for transferring video content, the connector being adapted to mate with the 1st connector."

Darden discloses an adapter with an external connector (Fig. 2, el. 130) adapted to mate with the external connector (Fig. 2, el. 88) of the removable slide-in storage device (cartridge) wherein the external connectors are incompatible with industry standard computer systems (Col. 10, lines 33-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abecassis' 653 and Russo to modify Abecassis'653 set-top terminal removable storage media with Darden 's adapter and removable storage media cartridge so to provide a versatile removable storage media which the removable storage device could be temporarily connected and remove it from the connected device for security and portability purposes, i.e., the removable storage device could be remove and place in a safe place, as suggested by Darden (Col. 2, lines 14-18 and lines 32-40) .

Regarding claim 49, Abecassis' 653 further discloses wherein the processor is further configured to control the portable video content storage device (see Fig. 5 with CPU 511,513 in which control the operation of the system as disclosed in Col. 28, lines 40-Col. 29, lines 42).

Regarding claim 50, Russo further discloses a decryption module (Fig. 2, element 114 "Descramble").

Regarding claim 53, Abecassis '653 further discloses wherein the output signal comprises video information and audio information (see Fig. 4).

Regarding claims 54-56, Abecassis '653 (Col. 28, lines 40-Col. 29, lines 42) in view of Russo further disclose wherein the processor is further configured to access user preferences stored on the portable video content storage device based at least upon a content rating of the content unit and to modify the user references.

3. Claims 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (US 5610653) in view of Russo (US 5619247) and further in view of Darden et al (US 4941841) and further in view of Tatebayashi (US 6182215).

Regarding Claim 52, Abecassis '653 in view of Russo and Darden does not clearly disclose the STB comprising an authentication module configured to provide authentication information to the portable video content storage device.

Tatebayashi discloses an STB's authentication module configured to provide authentication information to the portable video content storage device (Fig. 5; elements 101 and Fig., 2; elements 104, 105, 106, 102, 103) for preventing the video productions/recording from being distributed to unauthorized devices (Col. 1, lines 47-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abecassis '653 in view of Russo and Darden to securely configure the STB for unauthorizing access to stored video content on the storage device, as taught by Tatebayashi, so to prevent the video productions/recording from being distributed to unauthorized devices (Col. 1, lines 47-50).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2623

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
02/16/2007


HAITRAN
PRIMARY EXAMINER